

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

WILNICK DORVAL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 2018-29
	)	
SAPPHIRE VILLAGE CONDOMINIUM	)	
ASSOCIATION, BERNARD	)	
VANSLUYTMAN, JOANNE LEVESQUE,	)	
CLARENCE LEVESQUE, LOURDES	)	
CORDERO, THOMAS CORDERO, SIDNEY	)	
JARVIS, NICHOLAS OVERMEYER,	)	
RICHARD W. O'DELL, MICHELE	)	
LANGE, TODD FARRAND, NORA	)	
IBRAHIM, SARAH WHITE, ELLEN	)	
HANSEN, MICHAEL BAIRD, MATTHEW	)	
SWOPE, MARK MAROLF, MADLON	)	
JENKINS RUDZIAK, JAMES	)	
KOULOURIS, MOUSSA MUSTAFA,	)	
CLAUDIA WOLDOW	)	
	)	
Defendants.	)	

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**APPEARANCES:**

**Wilnick Dorval**

St. Thomas, U.S.V.I.  
*Pro se plaintiff,*

**Michael E. Fitzsimmons**

Stryker, Duensing, Casner & Dollison  
St. Thomas, U.S.V.I.  
*For Sapphire Village Condominium Association, Sidney  
Jarvis, and Michael Baird,*

**Bernard M. Vansluytman**

St. Thomas, U.S.V.I.  
*Pro se defendant,*

**John H. Benham, III**

St. Thomas, U.S.V.I.  
*For Joanne Levesque,*

**Carol Ann Rich**

Dudley & Rich

St. Thomas, U.S.V.I.

*For Lourdes Cordero and Thomas Cordero,*

**Andrew Simpson**

Law Offices of Andrew Simpson

St. Croix, U.S.V.I.

*For Sapphire Village Condominium Owners Association, Sidney  
Jarvis, Michael Baird, Nicholas Overmeyer, Todd Farrand,  
and Michele Lange,*

**Matthew Swope**

**Nora Ibrahim**

**Moussa Mustafa**

**Sara White**

**Ellen Hansen**

**James Koulouris**

**Madlon Jenkins-Rudziak**

**Claudia A. Woldow**

*Pro se defendants.*

**ORDER**

**GÓMEZ, J.**

Before the Court is a document filed by Wilnick Dorval entitled "Motion for Judgment on the Pleading (sic) Against All Defendants."

On May 22, 2018, Wilnick Dorval ("Dorval") filed a complaint in this matter. On July 23, 2018, Dorval filed the instant motion. ("Dorval's Motion," ECF No. 95).

Dorval's Motion purports to seek a judgment against all defendants in this matter. It is not clear what procedural mechanism Dorval relies on in order to obtain a judgment.

Generally, a plaintiff can obtain judgment through a trial on the merits, a motion for summary judgment, a motion for a judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) ("Rule 12(c)"), or an entry of default and default judgment.

It is clear from Dorval's motion that he does not seek judgment on the basis of a trial. There has been no trial in this matter and there is currently no trial setting in this matter. It is also clear that Dorval's Motion does not seek default or default judgment. Indeed, Dorval has separately filed several motions seeking default judgment. Accordingly, the Court will not construe the instant motion as a motion for default or default judgment.

To the extent Dorval's Motion seeks a judgment pursuant to Rule 12(c), that avenue is unavailable. Under Rule 12(c), a party may move for a judgment "after the pleadings are closed." Fed. R. Civ. P. 12(c). Pleadings constitute a complaint, an answer, and, if the court allows, a reply to an answer. Fed. R. Civ. P. 7(a). The pleadings have not closed in this matter as not all defendants have filed answers.

To the extent Dorval is seeking summary judgment, his petition is wanting. Summary judgment is appropriate "if the movant shows that there is no genuine dispute as to any material

fact and the movant is entitled to judgment as a matter of law.”  
Fed. R. Civ. P. 56(a); see also *Hersh v. Allen Prods. Co.*, 789  
F.2d 230, 232 (3d Cir. 1986). Dorval has failed satisfied that  
burden.

The premises considered, it is hereby

**ORDERED** that Wilnick Dorval’s petition entitled “Motion for  
Judgment on the Pleading Against All Defendants” at ECF Number  
95 is **DENIED**.

S\ \_\_\_\_\_  
**Curtis V. Gómez**  
**District Judge**